

ARKANSAS SUPREME COURT

No. CR 08-704

DANIEL SANDERS
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered November 20, 2008

MOTION TO BE RELIEVED AS
COUNSEL AND PRO SE MOTION
FOR APPOINTMENT OF COUNSEL
[CIRCUIT COURT OF PULASKI
COUNTY, CR 2006-2975, HON. JOHN
LANGSTON, JUDGE]

MOTIONS GRANTED.

PER CURIAM

In 2007, appellant Daniel Sanders was convicted by a jury of multiple criminal offenses and sentenced as a habitual criminal to an aggregate term of 540 months' incarceration. Appellant was represented at trial by his retained attorney, John Marshall May.¹ No appeal was taken. Appellant timely filed in this court a pro se motion for belated appeal pursuant to Arkansas Rule of Appellate Procedure—Criminal 2(e) seeking to proceed with the direct appeal of the criminal convictions. We granted the motion, concluding that Mr. May remained attorney-of-record and obligated to represent appellant on appeal and that appellant had established that he was entitled to proceed *in forma pauperis* on appeal.² *Sanders v. State*, CR 08-704 (Ark. Oct. 9, 2008) (per curiam). Now before us is Mr. May's motion to be relieved as counsel and appellant's pro se motion seeking appointment

¹The judgment incorrectly reflected that appellant was represented by attorney John W. May II.

²On March 21, 2008, Mr. May was cautioned by the Arkansas Supreme Court Committee on Professional Conduct for his failure to properly represent appellant. The Committee concluded that Mr. May knew that petitioner wished to appeal his convictions and that he was obligated to perfect the appeal but failed to do so.

of other counsel.

The motions are granted. We appoint attorney Leah Lanford to represent appellant. Ms. Lanford is directed to file a petition for writ of certiorari within thirty days to call up any additional portion of the record that may be necessary for the appeal. A briefing schedule will be set when the complete record is lodged.

Motions granted.